

February 8, 2004

RE: PROCEEDING 04-440

Dear FCC Commissioners,

As the president of EGIX, Inc. and EGIX Network Services, I am responsible for the well-being of our companies and the developments or trends in the telecommunications field. I write this letter to voice my concerns over this request for forbearance.

eGIX is one of the few privately-held, facilities-based, competitive local exchange carriers delivering IP communications. We operate a state-of-the-art IP communications network and provide quality solutions that combine high speed Internet access, local/long distance voice services (VoIP), mobility, personal & enterprise productivity, desktop integration and business applications. We view IP communications as so much more than a substitution for traditional telephony services; it is an opportunity to break away from the shackles that have limited our imagination, stifled innovation and growth. Retention of the Computer Inquiry and Title II common carrier regulations for broadband transmission services is necessary to protect consumers by ensuring their ability to choose an ISP or VOIP provider other than the ILEC. It is critical to preserve nondiscriminatory access to broadband transmission facilities for competing ISPs and VOIP providers.

Executives and entrepreneurs across the United States are working hard before the FCC and state public utility commissions to defend their remaining legal rights as the Bell Operating Companies are thwarting the letter and spirit of the TRO, the Computer Inquiries, and Title II common carriage requirements. If allowed to this forbearance, it is easy to assume they will use the same prejudice they have in the access world, and choke off (or cause a lower quality of service) all other IP communications services that we deliver. And, so will go VoIP and a whole host of IP based innovations that need full, clean access that we have worked so hard to deliver.

For companies like us, that have done all the right things, been good stewards of business, invested in our communities, paid our taxes, earned the confidence of our customers, provided high paying jobs and delivered new innovations, this is a kick in the stomach. I ask simply that the FCC Commissioners act quickly to recognize this forbearance request for what it is, a way to limit consumer choice and innovation. Please deny this request for forbearance and maintain the establish long-term rules that preserve a competitive environment for ALL service providers can be assured the opportunities to deliver new, innovative technologies. Thank you for your time and consideration in this matter.

Sincerely,

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